

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

Mr. Jason Lawrence  
Total Communications  
CB Radio Trader  
106 E. Main  
Wilburton, OK 74578

File No.: EB-04-DL-156  
Citation: C20053250002  
Sent via Certified  
Return Receipt Requested  
and First Class U.S. Mail

**CITATION**

**Released:** November 2, 2004

By the Enforcement Bureau, Dallas Office:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"),<sup>1</sup> to Mr. Jason Lawrence / Total Communications / CB Radio Trader for violation of Section 302(b) of the Act,<sup>2</sup> and Sections 2.803(a)(1) and 2.815(b)&(c) of the Commission's Rules.<sup>3</sup>

2. An investigation by the FCC's Dallas Office revealed that the Internet domain name cbradiotrader.com is registered to Total Communications, P.O. Box 761, Wilburton, OK 74578 with Jason Lawrence, 909 West Main, Wilburton, OK 74578 listed as the administrative and billing contact. Furthermore, on August 10, 2004, Mr. Jason Lawrence / Total Communications / CB Radio Trader, through the Internet site [www.cbradiotrader.com](http://www.cbradiotrader.com) (with an address currently listed on the site as "106 E. Main, Wilburton, OK 74578"), offered for sale the following fifty-five (55) non-certified Citizens Band transceivers:

<u>NAME</u>	<u>MODEL</u>	<u>PRICE</u>	<u>DESCRIPTION</u>
Connex	3300	\$200.00	
Connex	3300HP	\$230.00	"about 35 Watts PEP"
Connex	3300HP AF	\$230.00	"same as the 3300 HP"
Connex	3300HP Confederate	\$230.00	"same features as the 3300HP"
Connex	4400HP	\$250.00	"8 Bands of 40 Channels"
Connex	Deer Hunter	\$170.00	"3 Bands (120 Ch. Export Version)"
Galaxy	DX33HML	\$210.00	"Export Radio"
Galaxy	DX44V	\$220.00	
Galaxy	DX45MP	\$240.00	
Galaxy	DX48T	\$390.00	"CB Radio", "50 watts for AM and FM"
Galaxy	DX55V	\$195.00	
Galaxy	DX66V	\$275.00	
Galaxy	DX73V	\$290.00	
Galaxy	DX77HML	\$260.00	
Galaxy	DX88HL	\$340.00	

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<sup>1</sup> 47 U.S.C. § 503(b)(5)

<sup>2</sup> 47 U.S.C. § 302a(b)

<sup>3</sup> 47 C.F.R. § 2.803(a)(1)

<u>NAME</u>	<u>MODEL</u>	<u>PRICE</u>	<u>DESCRIPTION</u>
Galaxy	DX93T	\$400.00	
Galaxy	DX95T	\$450.00	
Galaxy	DX99V	\$370.00	
Galaxy	DX 2517	\$475.00	
General	Grant	\$450.00	"12 Bands of 40 Channels"
General	Stonewall Jackson	\$590.00	
General	Lee	\$220.00	
Magnum	257	\$220.00	"150 Watts"
Magnum	357 DX	\$400.00	
Magnum	A24	\$235.00	
Magnum	Alpha Force	\$250.00	
Magnum	Delta Force	\$299.00	
Magnum	Omega Force	\$300.00	
Magnum	Mini	\$100.00	
Magnum	S-3	\$250.00	"50 Watts"
Magnum	S3200B	\$300.00	"3280 Channels"
Mirage	44DX	out of stock	"Export CB Radio has 361 AM/FM Channels"
Mirage	66	\$230.00	
Mirage	88	\$260.00	
Mirage	99	\$280.00	
President	Grant	\$250.00	
President	Jackson	\$Out/Stock	
President	JFK	\$Out/Stock	"HI/MID/LOW band selector"
President	Lincoln	\$350.00	"Band selector"
Ranger	RCI 2950DX	\$320.00	
Ranger	RCI 2970DX	\$450.00	
Ranger	RCI-2980 WX	\$450.00	
Ranger	RCI-2985 DX	\$480.00	
Ranger	RCI-2995 DX	\$580.00	
Ranger	RCI-6300 F25	\$300.00	
Ranger	RCI-6300 F150	\$450.00	
Ranger	RCI-6900 F25	\$340.00	
Ranger	RCI-6900 F150	\$490.00	
Ranger	SS 3900	\$150.00	
Ranger	SS 3900EGHP	\$220.00	"... has dual echo control"
Ranger	SS 3900GHP	\$200.00	
Ranger	VR9000	\$250.00	
Super Star	121	\$155.00	"120 Channel Design"
Super Star	122	\$120.00	"120 Channel Design"
Super Star	3900HP	\$190.00	"25 Watts"

According to the Commission's records, these devices have not received an FCC equipment authorization which is required for Citizens Band transmitters marketed in the United States.

3. Section 302(b) of the Act<sup>2</sup> provides "[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." Section 2.803(a)(1) of the Rules<sup>3</sup> provides that "... no person shall sell

or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled ....” Mr. Jason Lawrence’s (d.b.a. Total Communications and CB Radio Trader) offer for sale of these devices violates both sections.

4. Mr. Jason Lawrence (d.b.a. Total Communications and CB Radio Trader) marketed these devices as amateur and/or Citizens Band transceivers. The Commission has evaluated radio frequency devices similar to those listed in paragraph 2 and concluded that the devices at issue are not only amateur radios but can easily be altered for use as Citizens Band devices as well. A CB transmitter is a transmitter that operates or is intended to operate at a station authorized for the CB service, and it must be certificated by the FCC prior to marketing or importation.<sup>4</sup> The Commission has further concluded that these devices fall within the definition of a CB transmitter and therefore cannot legally be imported or marketed in the United States. *See* Response from the Commission’s General Counsel to U.S. Customs Service dated May 17, 1999, 14 FCC Rcd 7797 (1999).

5. Additionally, dual use CB and amateur radios of the kind at issue here may not be certificated under the Commission’s rules. Section 95.655(a) of the Rules<sup>5</sup> states: “. . . ([CB] Transmitters with frequency capability for the Amateur Radio Services . . . will not be certificated.)” *See also* FCC 88-256, 1988 WL 488084 (August 17, 1988). This clarification was added to explicitly foreclose the possibility of certification of dual use CB and amateur radios, *see id.*, and thereby deter use by CB operators of frequencies allocated for amateur radio use.

6. Furthermore, the Commission has revised Section 2.1204(a)(5) of its Rules<sup>6</sup> to prohibit all marketing and/or offering for sale in the United States of such devices even when the purchaser(s) had provided assurances that the transceivers are being bought solely for export. ALL DOMESTIC MARKETING OF SUCH DEVICES VIOLATES THE COMMUNICATIONS ACT OF 1934, AS AMENDED, AND THE COMMISSION’S RULES.

7. In addition to the marketing of the non-certified transceivers addressed above, Mr. Jason Lawrence (d.b.a. Total Communications and CB Radio Trader) is warned that Section 302(b) of the Act<sup>2</sup>, and Section 2.815(c) of the Commission’s Rules<sup>7</sup> requires FCC Type Acceptance (or Certification) of External Radio Frequency Power Amplifiers (or amplifier kits) capable of operation on any frequency or frequencies below 144 MHz. Furthermore, Section 2.815(b) of the Commission’s Rules<sup>8</sup> prohibits the marketing of External Radio Frequency Power Amplifiers (or amplifier kits) capable of operation on any frequency or frequencies between 24 and 35 MHz. Non-certified External RF Power Amplifiers requiring certification include, but are not limited to, the following brands: Hornet, Silver Streak, Texas Star and Twister.

8. Subsequent violations of the Communications Act and/or of the Commission’s Rules may subject the violator to substantial monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation,<sup>9</sup> seizure of equipment through *in rem* forfeiture action, and criminal sanctions including

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<sup>4</sup> *See* 47 C.F.R. §§ 95.603(c) & 2.803

<sup>5</sup> 47 C.F.R. § 95.655(a)

<sup>6</sup> 47 C.F.R. § 2.1204(a)(5) revised effective February 28, 2000

<sup>7</sup> 47 C.F.R. § 2.815(c)

<sup>8</sup> 47 C.F.R. § 2.815(b)

<sup>9</sup> *See* 47 C.F.R. § 1.80(b)(3)

imprisonment.<sup>10</sup>

9. Mr. Jason Lawrence (d.b.a. Total Communications and CB Radio Trader) may request a personal interview at the closest FCC location to its place of business,<sup>11</sup> namely:

Federal Communications Commission  
9330 LBJ Freeway, Suite 1170  
Dallas, Texas 75243-3470

which can be contacted by telephone at 214-575-6361. He must schedule this interview to take place within 14 days of the date of this citation. Mr. Jason Lawrence (d.b.a. Total Communications and CB Radio Trader) may submit a written statement within 14 days of the date of this citation to the following address:

Federal Communications Commission  
9330 LBJ Freeway, Suite 1170  
Dallas, Texas 75243-3470

which can be contacted by telephone at 214-575-6361. Any written statement should specify what actions have been taken to correct the violation outlined above. When corresponding with the Commission, case number EB-04-DL-156 and citation number C20053250002 should be referenced.

10. Any statement or information provided may be used by the Commission to determine if further enforcement action is required.<sup>12</sup> Any knowingly or willfully false statement made in reply to this notice is punishable by fine or imprisonment.<sup>13</sup>

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells  
District Director - Dallas Office

LRB

Cc: Mr. Jason Lawrence  
Total Communications  
CB Radio Trader  
909 West Main  
Wilburton, OK 74578

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<sup>10</sup> See 47 U.S.C. §§ 401, 501, 503, 510

<sup>11</sup> See 47 U.S.C. § 503(b)(5)

<sup>12</sup> See Privacy Act of 1974, 5 U.S.C. §552a(e)(3)

<sup>13</sup> See 18 U.S.C. §1001

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